

POTENTIAL LEGISLATION

(Organizations and Functions)

Purpose:

Position:

DCI	SSC	HSC	Commission/ Journals

- A. National Security Council

1. Congressional membership.
2. Broaden Executive Branch representation (Secretaries of Treasury & Agriculture) to emphasize economic, domestic policy considerations.
3. Prohibit any operational authority over CIA independent of the President.
4. CIA activities to be directed by the President upon recommendations or consultations with NSC.
5. Require Presidential direction for Section 102(d)(5) activities (covert action).
6. Broaden 40 Committee membership.

B. DCI and DDCI

1. Limit DCI to fixed term (8/10 years).
2. Prohibit simultaneous incumbency by former (within five years) Agency employees.
3. Require both offices to be filled by civilians.
4. Provide for two DDCIs.
5. Provide criminal penalties for influencing or attempting to influence through command, non-intelligence channels, the foreign intelligence estimates of the DCI.
6. Crime to request the DCI or DDCI to violate proscriptions pursuant to or under statute.
7. Restrict DCI's Section 102(c) authority to terminate personnel to security cases and provide right of appeal, through the Attorney General for advice and recommendation, to the President or his designee.

POTENTIAL LEGISLATION
(Organizations and Functions continued)

Purpose:

Position:

DCI	SSC	HSC	Commission/ Journals
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C. CIA

1. Domestic Activities:

- a. Add the word "foreign" appropriately throughout Section 102(d).
- b. Repeal Section 103(d)(4) - (services of common concern).
- c. Prohibit any illegal activities.
- d. Prohibit transactions between CIA and former employees except for purely official matters.
- e. Require advance approval of oversight committees before assistance provided to any Governmental unit.
- f. Criminal penalty for violating proscriptions on internal security functions.
- g. Expressly subject CIA employees to statutory provision on perjury and witnesses' privileges in testimony before Congress.
- h. Expressly authorize:
 - 1. Foreign intelligence collection from U.S. citizens on witting basis.
 - 2. Foreign intelligence collection from foreigners in the United States.
 - 3. Support structures necessary to support intelligence operations abroad.
 - 4. Protection of CIA installations.
 - 5. Direct assistance to FBI for counterintelligence versus foreigners.
 - 6. Personnel security investigations of those authorized access by CIA to sensitive information.
 - 7. That lawful activities of CIA in the United States are not impeded by express limitations.
- i. Prohibit furnishing intelligence information to corporations or businesses.

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POTENTIAL LEGISLATION
 (Organization and Functions continued)

Purpose:

CIA continued

Position:

	DCI	SSC	HSC	Commission/ Journals
j. Prohibit CIA surveillance of U.S. citizens, not employees (civil action for damages, recover attorney fees, <u>in camera</u> review).				
k. Prohibit maintenance and dissemination of information concerning individuals in this country with no clear direct involvement with foreign powers.				
l. Prohibit any relationships with individuals or organizations connected with:				
1. U.S. media.				
2. Religious groups.				
3. Specified Federal agencies, e.g., AID.				
4. U.S. businesses.				
m. Provide standing to sue for injured citizens on CIA violations of prescriptions.				
n. All domestic activities shall be subject to the laws of the United States.				
2. Overseas Activities:				
a. Explicit authority to <u>collect</u> intelligence.				
b. Prohibit covert action.				
c. Repeal Section 103(d)(4) - (services of common concern).				
d. Require specific Presidential written direction, NSC recommendation for Section 102(d)(5) activities:				
1. Also require prior approval of appropriate committees.				
2. Also require prior notification, not approval.				
e. Repeal Presidential finding requirement for covert action under the Foreign Assistance Act and provide reporting only to legislative oversight committees.				
f. Prohibit paramilitary activities by CIA.				
g. Criminal penalty for assassination of foreign official outside the United States.				

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POTENTIAL LEGISLATION
(Organizations and Functions continued)

Purpose:

Overseas Activities continued

- h. Authorize all activities necessary for foreign intelligence activities abroad with appropriate consultation with affected Federal agencies and reporting to oversight committees.
 - i. On covert action, require Presidential report to include detailed proposed budget to be followed at later date by account of expenditures.
 - j. Report all intelligence operations in foreign countries to U.S. ambassador:
 - 1. Ambassador's prior approval.
 - 2. Ambassador's veto, with appeal to President.
3. External Relations:
- a. IG report to external authorities:
 - 1. PFIAB
 - 2. Oversight committees
 - b. Require advance approval of oversight committees before assistance provided to any Governmental unit.
 - c. Require CIA to share all intelligence and prepare special reports on foreign situations with and at the request of specified committees.
 - d. Submit to foreign affairs committees, under injunction of secrecy, 'all agreements with foreign intelligence services.
 - e. Prohibit adverse action against personnel reporting abuses to appropriate authorities (oversight committees, Attorney General, PFIAB).
 - f. Repeal Privacy Act exemption for CIA:
 - 1. Provide exemption only for classified matters involving foreign affairs or defense.
 - 2. Provide exemption for intelligence sources and methods.

Position:

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POTENTIAL LEGISLATION
(Organizations and Functions continued)

Purpose:

External Relations continued

Position:

	DCI	SSC	HSC	Commission/ Journals
g. Report to appropriate committees all personnel detailed to other agencies.				
h. Annual report to oversight committees describing and providing statutory basis for domestic activities.				
i. Keep oversight committees "fully and currently informed" on all CIA activities.				
4. Sources and Methods:				
a. Protection of intelligence sources and methods:				
1. DCI devise plans, policies, regulations and report violations to Attorney General.				
2. Responsibility not to be construed to authorize prohibited activities (police, law enforcement powers or internal security functions).				
b. Shift from DCI to Agency, responsibility to protect and authorize:				
1. Prevention disclosure, through lawful means, by those having a privity of relationship.				
2. Guidance and technical assistance to other Federal departments and agencies performing intelligence functions.				
c. Repeal intelligence sources and methods responsibility.				
d. Enact Director's proposed criminal penalty on unauthorized disclosures:				
1. Limit to CIA/former CIA employees.				
2. Limit to CIA or CIA imprimated information.				

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POTENTIAL LEGISLATION
(Organizations and Functions continued)

Purpose:

Sources and Methods continued

Position:

DCI	SSC	HSC	Commission/ Journals

X- Favor
O- Against
-- - No Position

POTENTIAL LEGISLATION
(Fiscal Controls)

Purpose:

	Position:			
	DCI	SSC	HSC	Commission/ Journals
A. Budget Focus -				
1. Total intelligence figure				
2. Total figure				
a. Central Intelligence Agency				
b. United States Intelligence Board				
c. President's Foreign Intelligence Advisory Board				
3. Figure in Parent Department Total				
a. Bureau of Intelligence & Research				
b. Defense Intelligence Agency				
c. National Security Agency				
d. Defense Investigative Service				
e. Army Security Agency				
f. Army Intelligence Command				
g. Navy Intelligence Command				
h. Office of Air Force Assistant Chief of Staff, Intelligence				
4. Total figure for intelligence activities				
a. Federal Bureau of Investigation				
b. Internal Revenue Service				
c. Energy Research & Development Administration				
5. DCI's Foreign National Intelligence Program				
6. Breakdown total by programs or type of activity				
B. Budget Transmittal -				
1. Publicly as part of the President's budget.				
2. As classified annex to President's budget				
C. Independent Evaluation to President from DCI on Intelligence Community Spending Plans				
D. Public Detailed Accounts of Proposed and Actual Intelligence Expenditures				
E. Authorization Legislation, Including CIA and NSA				

X- Favor
O- Against
-- - No Position

POTENTIAL LEGISLATION

Purpose:

Position:

	DCI	SSC	HSC	Commission/ Journals
F. Annual Appropriations Act Including CIA and NSA				
G. Limit Section 6a Transfers to and from CIA to Certain Percentage of Budget to be Exceeded only with Specific Presidential Authorization, Approval of Appropriations Committees and Prior Notification of Oversight Committees				
H. Control Transfer of Funds Among Defense Intelligence Agencies Along the Lines of (G) above				
I. GAO Review of Expenditures -				
1. Audit of CIA unvouchered expenditures				
2. Efficiency and economy review of CIA unvouchered expenditures				
3. CIA Vouchered expenditures for audit and economy and efficiency purposes				
J. Repeal CIA Unvouchered Funds Authority on Basis Classification System Protects Information				
K. Suspend Expenditure Authority Unless Information Requested by GAO Provided Within Specified Period Unless President Certifies that the Information is not to be Furnished				
1. At GAO's initiative only				
2. GAO for oversight committees				
L. Certification of President, Approval of Appropriations Committees, and Prior Notification of Oversight Committees for Reserve Expenditures				
M. Prohibit Non-Appropriated Funds Expenditure				
1. In toto				
2. Proprietary income may offset normal proprietary expenditures				